IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Crl.MC.No. 3093 of 2006()

ORDER IN CRL.M.C.NO.538/2005 OF THE SESSIONS COURT, MANJERI

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PETITIONER:

ABDUL RAHSEED, S/O.SHAIK MOHAMMED HAJI,
NALAKATH HOUSE, PERINTHALMANNA.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS:

STATE OF KERALA, REPRESETNED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTINGCBCID, MALAPPURAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR`

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3093 of 2006

Dated this the 2nd day of January, 2007

ORDER

The petitioner was granted anticipatory bail as per order of the learned Sessions Judge, Manjeri subject to conditions. Condition No.2 imposed on the petitioner is that he shall surrender his passport before the lower court. Accordingly, the passport had been surrendered. Later, the petitioner had got back the passport to perform a pilgrimage. Subsequently, he has surrendered the passport before the learned Magistrate as directed by this Court earlier in this Crl.M.C. The prayer of the petitioner is that condition No.2 imposed on him may be deleted and his passport may be released to him.

2. There is a further condition imposed as condition No.5 that the petitioner shall not leave the State without obtaining the prior permission of the lower court. The petitioner can make use of the passport only if he is granted permission under clause 5 of Annexure-A order passed by the Sessions Judge. Whenever the petitioner wants to go abroad, the petitioner can apply to the learned Magistrate for release of the passport to him showing the specific reason of the need for passport. The learned Magistrate shall pass appropriate orders on such applicationS. In the light of the opposition by the learned Public Prosecutor, I am satisfied, that it is not necessary now to direct

release of the passport to the petitioner without any specific need or reason. As and when need arises, the petitioner can apply before the learned Magistrate and the learned Magistrate must consider the application on merits and pass appropriate orders subject to appropriate conditions, if necessary.

3. With the above observation, this Crl.M.C is, dismissed.

(R.BASANT, JUDGE)

rtr/-